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**RESOLUTION NO. 2016 - 2**

**BEFORE THE BOARD OF COMMISSIONERS OF THE URBAN RENEWAL AGENCY OF THE CITY OF LEWISTON, IDAHO:**

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE URBAN RENEWAL AGENCY OF THE CITY OF LEWISTON IDAHO, AN URBAN RENEWAL AGENCY ORGANIZED UNDER THE LAWS OF THE STATE OF IDAHO; MAKING CERTAIN FINDINGS AS REQUIRED BY LAW AND PURSUANT TO AN AGREEMENT ENTERED INTO BETWEEN THE URA, THE CITY OF LEWISTON AND NEZ PERCE COUNTY FOR THE PURPOSE OF CLOSING THE URA REVENUE ALLOCATION AREA 1; ESTIMATING THE REMAINING PROJECT OBLIGATIONS AND COSTS; RECOMMENDING TO THE LEWISTON CITY COUNCIL THAT REVENUE ALLOCATION AREA 1 AS DESCRIBED IN THE URA PLAN 2 BE TERMINATED; RECOMMENDING FURTHER THAT THE CITY COUNCIL PASS AN ORDINANCE TERMINATING REVENUE ALLOCATION AREA 1 AS DESCRIBED IN THE URA PLAN 2; PROVIDING FOR THE PAYMENT OF DELINQUENT PROPERTY TAXES FOLLOWING TERMINATION; PROVIDING FOR THE PAYMENT OF CERTAIN URBAN RENEWAL AGENCY EXPENSES FOR FISCAL YEAR 2016 AND BEYOND; DIRECTING THE AGENCY CHAIRMAN OR HIS DESIGNEE TO SEND THIS RESOLUTION TO THE LEWISTON CITY COUNCIL, THE AFFECTED TAXING DISTRICTS, THE STATE TAX COMMISSION THE NEZ PERCE COUNTY ASSESSOR AND THE NEZ PERCE COUNTY AUDITOR/RECORDER; AND PROVIDING AN EFFECTIVE DATE.

**Whereas,** the Urban Renewal Agency of the City of Lewiston Idaho (the "Agency"), an independent corporate and politic public body, is an Urban Renewal Agency created under the existing authority pursuant to the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended (the "Law"), and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended (the "Act");

**Whereas,** the Agency was duly created and authorized to transact business and exercise the powers granted by the Law and the Act pursuant to the adoption of Lewiston City Council Resolution No. 99-75, adopted October 18, 1999;

**Whereas,** the City Council of the City of Lewiston (the "City Council") by Resolution 2005-76, adopted on September 16, 2005, determined certain geographic areas within the City of Lewiston ("City") to be deteriorated or deteriorating and appropriate for an urban renewal project;

**Whereas,** the City Council after duly published notice conducted a public hearing to consider the approval and adoption of the Urban Renewal Plan for the City of Lewiston Urban Renewal Area and Creating Revenue Allocation Area #1, #2, #3 (the "Plan") by Ordinance No. 4428, dated December 12, 2005. The Plan included revenue allocation financing provisions as authorized by the Act;

**Whereas, in 2013, the Agency began to identify additional projects for the three revenue allocation areas identified in the Plan;**

**Whereas, the City Council after duly published notice conducted a public hearing to consider the approval and adoption of the Urban Renewal Plan 2 for the City of Lewiston Urban Renewal Agency and Revenue Allocation Area #1, #2, #3 (the "Amended Plan") by Ordinance No. 4607 on July 14, 2014. The Amended Plan did not change the boundaries of the three revenue allocation areas originally identified in the Plan and commonly referred to RAA #1, RAA #2 and RAA #3;**

**Whereas, on August 13, 2014, Nez Perce County filed a Complaint against the City and the Agency in Nez Perce County, Case No. CV 14-1600, challenging the validity of the Amended Plan;**

**Whereas, the Agency, the City and Nez Perce County entered into a Mediated Settlement Agreement on January 4, 2016 (the "Mediated Agreement") which was confirmed by Judgment entered on February 10, 2016;**

**Whereas, the Agency has considered an Amended 2016 Fiscal Year Budget for RAA #1 (the "Termination Budget") budgeting for and retaining sufficient funds to complete the estimated design costs and the Agency's contribution to the 18<sup>th</sup> St. North reconstruction project and such ongoing Agency administrative fees and costs and expenses prorated to RAA #1. Pursuant to the Agency's determination that the RAA #1 revenues are sufficient to cover all estimated expenses, and further pursuant to the terms of the Mediated Agreement, the Agency is proceeding with termination of RAA #1;**

**Whereas, the Agency approved the Termination Budget by Resolution 2016 – 1 duly adopted by the Agency on March 8, 2016, which Resolution and Budget are attached as Exhibit A to this resolution;**

**Whereas, pursuant to the Termination Budget, the Agency estimates a nominal surplus in the amount of \$100.00, will be available for distribution on or before September 30, 2016;**

**Whereas, the Agency may receive current or delinquent property taxes which may have been levied for calendar year 2015 or earlier received substantially in January and July 2016, and intends to comply with the Mediated Agreement by passing the revenue to the County to rebate such payments to the respective taxing entities in their proportional shares;**

**Whereas, the Agency will no longer be entitled to revenue allocation attributable to the RAA #1 as set out in the Amended Plan and any allocation of revenue received by the Agency will be provided to the County to rebate payments to the respective taxing entities in their proportional shares;**

**Whereas, a copy of the RAA #1 Boundary Map is attached as Exhibit B and a legal description of RAA #1 is attached as Exhibit C to this Resolution and incorporated herein by this reference;**

**Whereas, the Agency adopts this Resolution to comply with the termination procedures set forth in the Act and for for purposes of complying with the Mediated Agreement and requests the City Council approve the termination of RAA #1.**

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE URBAN RENEWAL AGENCY OF THE CITY OF LEWISTON IDAHO AS FOLLOWS:**

- Section 1:** The representations set out in the recitals above are true and correct and are made knowing that the affected taxing districts and the Idaho State Tax Commission will rely upon those findings and representations.
- Section 2:** The termination budget attached hereto as Exhibit A was duly adopted by the Agency and is hereby recommended for adoption by the Lewiston City Council.
- Section 3:** RAA #1 as contained in the Amended Plan and as more particularly described in the attached Exhibit B and Exhibit C shall be terminated on or before December 31, 2016, effective January 1, 2016 and consistent with the termination provisions set forth in the Act and allowing the affected taxing entities to use the 2016 estimated assessed values above the adjusted base assessment roll for their budgeting purposes, and further, those certain taxing entities may for their budgetary purposes, take into account the difference between the incremental value as of December 31, 2006 and the 2016 increment value for RAA #1, which difference shall be added to the 2016 New Construction Roll, pursuant to Idaho Code § 63-301A(3)(g), subject to any decrease mandated by law.
- Section 4:** The Agency does not intend to claim or receive revenue allocation funds in calendar year 2017 generated from the 2016 assessed values attributable to RAA #1. The allocation of revenues under Idaho Code §50-2908 attributable to RAA #1 shall cease effective January 1, 2016.
- Section 5:** All financial obligations attributable to RAA #1 have been provided for and any outstanding obligations, if any, will be paid in full on or before September 30, 2016.
- Section 6:** Any current property taxes paid or to be paid to the Agency that were levied for calendar year 2015 shall be paid to the Agency. Any delinquent property taxes paid to the Agency that were levied for calendar year 2014 or earlier whenever collected shall not be paid to the Agency and shall be paid to the respective taxing entities in their proportional shares.
- Section 7:** Any surplus revenue allocation funds received or held by the Agency will be distributed prior to the end of the Agency's 2016 fiscal year on or before September 30, 2016. Any surplus will be remitted to the Nez Perce County Treasurer to be distributed to the appropriate taxing districts in the same manner in proportion as the most recent distribution to the taxing districts of the tax revenue received on the taxable property located within RAA #1, pursuant to Idaho Code §50-2909(4). Further any remaining funds in any subsequent fiscal year received by the Agency

from delinquent taxes after January 1, 2016 shall be disbursed in the same manner in each successive fiscal year.

Section 8: The Agency requests that the Lewiston City Council pursuant to Idaho Code § 50-2903(5) adopt an ordinance providing for the termination of RAA #1 as specifically set out in the Amended Plan and as specifically described in Exhibits B and C to be effective on or before December 31, 2016. Further the Agency declares that the tax year 2016 revenues from any incremental value as levied within RAA #1 are not needed for the payment of any Agency indebtedness or Agency projects to be completed before September 30, 2017 and that such tax revenues should flow to the respective taxing districts pursuant to Idaho Law.

Section 9: The Agency shall deliver a copy of this resolution and the exhibits made a part of hereto to the Nez Perce County Assessor's office, the Nez Perce County Auditor/Recorder, that affected taxing districts, and the Idaho State Tax Commission to provide notice of the termination of RAA #1 as described herein and as further described in the Agency's Amended Plan.

Section 10: This resolution shall be in full force and effect upon its passage and approval by the Agency.

This resolution was adopted by the Urban Renewal Agency of the City of Lewiston, Idaho on April 12, 2016 and is signed by the Chair of the Urban Renewal Agency Board and attested by the Secretary of the Urban Renewal Agency Board on this 12<sup>th</sup> day of April, 2016.

On behalf of the Urban Renewal Agency of the City of Lewiston Idaho:

By: Joe Hulett  
Joe Hulett, Chair

ATTEST:

By: Dan Marsh  
Dan Marsh, Secretary

Ex A

Amended

**URA BUDGET FY 16**

	AREA 1 N LEWISTON Termination	AREA 2 BUSINESS & TECH	AREA 3 DOWNTOWN	TOTAL
<b>REVENUES</b>				
Bond Proceeds	\$ -	\$ -	\$ -	\$ -
Tax Receipts	439,977	765,290	391,951	1,597,218
Interest	100	1,000	1,200	2,300
<b>Total Revenues</b>	<b>\$ 440,077</b>	<b>\$ 766,290</b>	<b>\$ 393,151</b>	<b>\$ 1,599,518</b>
<b>EXPENSES</b>				
Project Costs <sup>(1)</sup>	\$ 453,200	\$ 1,977,600	\$ 350,000	\$ 2,780,800
Bond Costs	-	-	-	\$ -
Interest	-	-	32,200	\$ 32,200
Principal	-	-	174,640	\$ 174,640
Professional Services <sup>(2)</sup>	22,000	30,000	10,000	\$ 62,000
Publications/misc	350	1,300	1,300	\$ 2,950
Rebate to Nez Perce County <sup>(3)</sup>	199,241.83	-	-	\$ 199,242
Rebate to Indep. School Dist. #1 <sup>(3)</sup>	32,219.85	-	-	\$ 32,220
Rebate to Nez Perce County <sup>(4)</sup>	141,093.33	-	-	
Rebate to Indep. School Dist. #1 <sup>(4)</sup>	22,816.52	-	-	
Rebate to City <sup>(4)</sup>	271,851.55	-	-	\$ 271,852
Rebate to Port <sup>(4)</sup>	4,216.24	-	-	\$ 4,216
<b>Total Expenses</b>	<b>\$ 1,146,989.32</b>	<b>\$ 2,008,900</b>	<b>\$ 568,140</b>	<b>\$ 3,560,119</b>
<b>Subtotal: Revenues Less Expenses</b>	<b>\$ (706,912)</b>	<b>\$ (1,242,610)</b>	<b>\$ (174,989)</b>	<b>\$ (1,960,601)</b>
<b>FUND BALANCE BEGINNING OF YEAR</b>	<b>\$ 707,015</b>	<b>\$ 1,242,620</b>	<b>\$ 591,230</b>	<b>\$ 2,540,865</b>
<b>PLUS TOTAL REVENUES</b>	<b>440,077</b>	<b>766,290</b>	<b>393,151</b>	<b>1,599,518</b>
<b>LESS TOTAL EXPENSES</b>	<b>1,146,989</b>	<b>2,008,900</b>	<b>568,140</b>	<b>3,560,119</b>
<b>FUND BALANCE END OF YEAR</b>	<b>\$ 103</b>	<b>\$ 10</b>	<b>\$ 416,241</b>	<b>\$ 580,264</b>
<b>Debt Service Reserve</b>			<b>\$ 212,310</b>	
<b>Available Fund Balance</b>	<b>\$ 103</b>	<b>\$ 10</b>	<b>\$ 203,931</b>	<b>\$ 204,044</b>

(1) Keller Contract \$121,500  
plus Construction \$331,700

(2) Audit, Insurance, Legal, RAI Dues

(3) Portion of existing bank balance

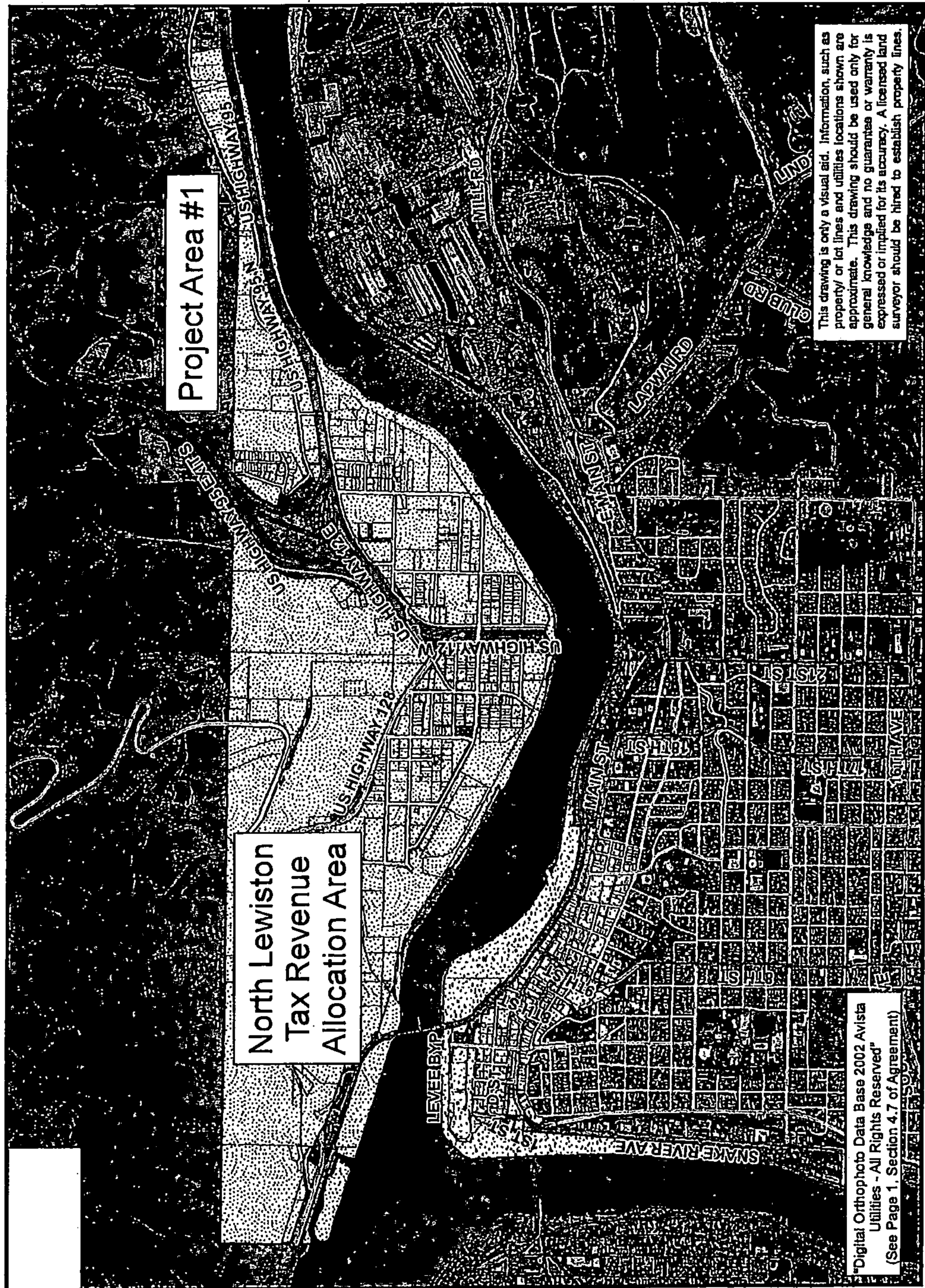
(4) Portion of 1/25/16 tax payment & 7/25/16 tax payment paid in 2 equal shares

This budget reflects good faith effort to identify expenses to RAA #1 and rebates to the taxing districts as directed by the settlement agreement. Any residual funds will be dispersed in accordance with the settlement agreement and/or state statute.

# CITY OF LEWISTON PUBLIC WORKS DEPARTMENT



1 inch = 2,100 feet



Project Area #1

North Lewiston  
Tax Revenue  
Allocation Area

This drawing is only a visual aid. Information, such as property/ or lot lines and utilities locations shown are approximate. This drawing should be used only for general knowledge and no guarantee or warranty is expressed or implied for its accuracy. A licensed land surveyor should be hired to establish property lines.

"Digital Orthophoto Data Base 2002 Avista  
Utilities - All Rights Reserved"  
(See Page 1, Section 4.7 of Agreement)

Ex. B

Ex C

## North Lewiston Tax Revenue Allocation Area

A part of sections 25 and 36 Township 36 North, Range 6 West and Sections 28, 29, 30, 31 and 32, Township 36 North, Range 5 West, Boise Meridian, City of Lewiston, Nez Perce County Idaho and more particularly described as follows:

All that portion of the Incorporated City Limits of the City of Lewiston, Idaho north of the Clearwater and Snake Rivers.

## **Craig Johnson**

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**From:** Alan Dornfest  
**Sent:** Thursday, April 14, 2016 11:10 AM  
**To:** Gary Houde; Jeff Servatius; Craig Johnson  
**Cc:** George R. Brown; Steve Fiscus; LVonTersch@cityoflewiston.org  
**Subject:** FW: Termination of Revenue Allocation Area #1  
**Attachments:** resolution 2016.2 signed.pdf

This should be accepted as indicating that the RAA in the resolution should be considered dissolved for the purpose of levy setting, new construction roll allocation, and all other purposes for 2016.

Alan.

**Alan S. Dornfest • Property Tax Policy Supervisor**  
Idaho State Tax Commission • Property Tax Division  
phone: (208) 334-7742 • fax: (208) 334-7844  
e-mail: [alan.dornfest@tax.idaho.gov](mailto:alan.dornfest@tax.idaho.gov) • website: [tax.idaho.gov](http://tax.idaho.gov)

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**From:** Laura VonTersch [<mailto:LVonTersch@CityofLewiston.org>]  
**Sent:** Thursday, April 14, 2016 10:36 AM  
**To:** Alan Dornfest; Dave Doeringsfeld; Dan Anderson; Patty Weeks; Jim Bennett; Jim Kleeburg; Doug Zenner; [jhgklemm@cableone.net](mailto:jhgklemm@cableone.net); [rdonaldson@lewistonschools.net](mailto:rdonaldson@lewistonschools.net); [brice@dadco.com](mailto:brice@dadco.com)  
**Cc:** Edwin Litteneker; Jana Gómez  
**Subject:** Termination of Revenue Allocation Area #1

In accordance the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code as amended and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code as amended please find attached Resolution 2016-2 adopted by the City of Lewiston Urban Renewal Agency. This Resolution recommends termination of Revenue Allocation Area #1 (North Lewiston) to the City Council.

A hard copy will not follow. Please provide a brief response for my records stating that you have received this resolution. Thank you.

**Laura M. Von Tersch**  
Community Development Director  
City of Lewiston

T 208.746.1318 x 7268  
F 208.746.5595

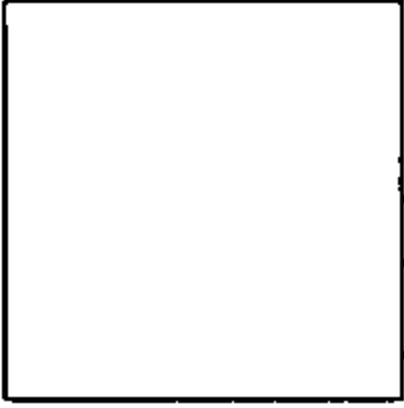


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